



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/752,505      | 12/27/2000  | Thomas Stewart       | CSCO-79621          | 9482             |

7590 05/20/2004

WAGNER, MURABITO & HAO LLP  
Third Floor  
Two North Market Street  
San Jose, CA 95113

|          |
|----------|
| EXAMINER |
|----------|

BRODA, SAMUEL

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2123

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/752,505 | <b>Applicant(s)</b><br>STEWART, THOMAS |  |
|                              | <b>Examiner</b><br>Samuel Broda      | <b>Art Unit</b><br>2123                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 December 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 and 18-23 is/are allowed.
- 6) ☒ Claim(s) 11 is/are rejected.
- 7) ☒ Claim(s) 12-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

Art Unit: 2123

### DETAILED ACTION

1. Claims 1-23 have been examined.

#### *Drawings*

2. A review of the file jacket indicates that Applicant submitted drawings that were entered into the file on 9 April 2001. However, these drawings do not appear in the file. Applicant is requested to resubmit the drawings previously filed; the Office regrets any inconvenience caused to Applicant.

#### *Claim Rejections - 35 U.S.C. § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

...

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 3.1 Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Horiuchi et al, U.S. Patent 5,388,056, issued 7 February 1995.

- 3.2 Regarding claim 11, Horiuchi et al teaching a transient vibration acceleration time-history method, including:

performing an equipment under test (EUT) preparation process to ensure equipment under test (EUT) is ready for testing [inherent in setting up vibration testing system];

Art Unit: 2123

performing a transient vibration time history testing calibration method [vibration response calculation for next step, Fig. 6 Item 20 and corresponding text from column 7 line 1 through column 10 line 24];

applying full level vibration simulation calibrated forces to said equipment under test (EUT) in accordance with the results of said calibration method [driving of actuator, Fig. 6 Item 21 and corresponding text from column 7 line 1 through column 10 line 24]; and

performing a post test inspection on said equipment under test (EUT) [measurement of reaction, Fig. 6 Item 22 and corresponding text from column 7 line 1 through column 10 line 24].

Therefore, Horiuchi et al anticipates claim 11.

#### ***Allowable Subject Matter***

**4.1** Claims 12-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**4.2** Claims 1-10 and 18-23 are allowed.

#### ***Conclusion***

**5.** The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. Reference to Yamagishi et al, U.S. Patent 6,397,153 is cited as teaching a testing system including the use of an entire shaking table.

Art Unit: 2123

Reference to Inoue et al, U.S. Patent 6,341,258 is cited as teaching estimation of a shaking response including a partial structure and a numerical model which is virtually connected to the partial structure.

Reference to Harashima et al, U.S. Patent 5,602,759 is cited as teaching a motor vehicle vibrating system having a rider weight applying structure that simulates a rider weight.

Reference to Haseley et al, U.S. Patent 5,602,757 is cited as teaching a predictive vibration monitoring system.

Reference to Wong et al, "Durability/Reliability of BGA Solder Joints Under Vibration Environment", IEEE Proceedings of the 50<sup>th</sup> Electronic Components and Technology Conference, pp. 1083-1088 (May 2000), is cited as teaching performance of a random vibration analysis followed by a calibration and analysis to predict the location of a solder failure.

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Samuel Broda, whose telephone number is (703) 305-1026. The Examiner can normally be reached on Mondays through Fridays from 8:00 AM – 4:30 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Kevin Teska, can be reached at (703) 305-9704. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist, whose telephone number is (703) 305-3900.



**SAMUEL BRODA, ESQ.**  
**PRIMARY EXAMINER**